

## Tennessee Valley Authority

## § 1304.103

capable of withstanding prolonged exposure to wave wash and weather conditions.

[36 FR 20424, Oct. 22, 1971, as amended at 42 FR 65147, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

### § 1304.4 Treatment of sewage.

No person operating a commercial boat dock on or over real property of the United States in the custody and control of TVA, or on or over real property subject to provisions for the control of water pollution in a deed, grant or easement, lease, license, permit or other instrument from or to the United States or TVA shall permit the mooring on or over such real property of any watercraft or floating structure equipped with a marine toilet unless such toilet is in compliance with all applicable statutes and regulations, including the FWPCA and regulations issued thereunder.

[42 FR 65147, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

### § 1304.5 Removal of unauthorized, unsafe, and derelict structures.

If, at any time, any dock, wharf, floating boathouse, nonnavigable houseboat, outfall, or other fixed or floating structure or facility anchored, installed, constructed, or moored under a license, permit, or approval from TVA is not constructed in accordance with plans approved by TVA, or is not maintained or operated so as to remain in accordance with such plans, or is not kept in a good state of repair and in good, safe, and substantial condition, and the owner or operator thereof fails to repair or remove such structure (or operate or maintain it in accordance with such plans) within ninety (90) days after written notice from TVA to do so, TVA may cancel such license, permit, or approval and remove such structure, or cause it to be removed, from the Tennessee River system and/or lands in the custody or control of TVA. Such written notice may be given by mailing a copy thereof to the owner's address as listed on the license, permit, or approval or by posting a copy on the structure or facility. TVA will remove or cause to be removed any such structure or facility anchored, installed, constructed, or moored with-

out such license, permit, or approval, whether such license or approval has once been obtained and subsequently canceled, or whether it has never been obtained.

[42 FR 65147, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

## Subpart B—Approval of Construction

### § 1304.100 Scope and intent.

Approval must be obtained with respect to each structure subject to section 26a of the Act prior to its construction, operation, or maintenance. This subpart prescribes procedures to be followed in any case where it is desired to obtain such approval.

[42 FR 65147, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

### § 1304.101 Delegation of authority.

The power to approve or disapprove applications under this part is delegated to the Director, subject to appeal to the Board as provided in § 1304.106. In his discretion the Director may submit any application to the Board for its approval or disapproval. Administration of the handling of applications is delegated to the Division of Land and Forest Resources.

[42 FR 65147, Dec. 30, 1977, as amended at 44 FR 23066, Apr. 18, 1979. Redesignated at 44 FR 30682, May 29, 1979]

### § 1304.102 Application.

Applications shall be addressed to Tennessee Valley Authority, Director of Land and Forest Resources, Norris, Tenn. 37828.

[44 FR 20366, Apr. 18, 1979. Redesignated at 44 FR 30682, May 29, 1979]

### § 1304.103 Contents of application.

(a) Each application must be accompanied by five (5) complete sets of plans for the construction, operation, and maintenance of the proposed structure. The application shall be prepared according to "Instructions for Preparing an Application for an Approval of Plans for Proposed Structures Under

section 26a of the Tennessee Valley Authority Act.” These instructions require that the application include, among other things:

(1) Accurate maps showing the exact location where the structure is proposed to be built, moored, or installed;

(2) Plans, including layout, in scale, of the proposed structure;

(3) Statements of the plans formulated for the maintenance and operation of the structure when completed;

(4) Sufficient information to describe adequately all of the persons, corporations, organizations, agencies, or others who propose to construct, own, and operate such structure; and

(5) A report of the anticipated environmental consequences resulting from the construction, operation, and maintenance of the proposed structure. This report of anticipated environmental consequences shall include a discussion of:

(i) The probable impact of the proposed structure on the environment;

(ii) Any probable adverse environmental consequences which cannot be avoided;

(iii) Alternatives to the proposed structure;

(iv) The relationship between the local short-term uses of the environment and the maintenance of long-term productivity which will result from the proposed structure; and

(v) Any irreversible or irretrievable commitments of resources which would be involved by virtue of the proposed structure.

(b) If construction, maintenance, or operation of the proposed structure or any part thereof, or the conduct of the activity in connection with which approval is sought, may result in any discharge into navigable waters of the United States, applicant shall also submit with the application, in addition to the material required by paragraph (a) of this section, a certification from the State in which such discharge would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge would originate, or from the Environmental Protection Agency, that such State or interstate agency or the Environmental Protection Agency

has determined after public notice of applicant’s proposal that there is reasonable assurance that applicant’s proposed activity will be conducted in a manner which will not violate applicable water quality standards. If construction or operation of the proposed structure will affect water quality but is not subject to any applicable water quality standards, applicant shall submit a written statement to that effect by such State, interstate agency, or the Environmental Protection Agency. The applicant shall further submit such supplemental and additional information as TVA may deem necessary for the review of the application, including, without limitation, information concerning the amounts, chemical makeup, temperature differentials, type and quantity of suspended solids, and proposed treatment plans for any proposed discharges.

(c) Detailed information concerning contents of applications, kinds and amounts of information required to be submitted for specific structures, and instructions are available at the address specified in §1304.102 or from the Manager of Properties, Division of Land and Forest Resources, Tennessee Valley Authority, at one of the following district offices:

(1) Western District, Post Office Box 280, Paris, Tenn. 38242 (office location: 202 West Blythe Street).

(2) Southern District, 601 First Federal Building, Muscle Shoals, Ala. 35660 (office location: 102 South Court Street, Florence).

(3) Central District, Post Office Box 606, Athens, Tenn. 37303 (office location: 110 Congress Parkway).

(4) Eastern District, 2611 West Andrew Johnson Highway, Morristown, Tenn. 37814.

[42 FR 65147, Dec. 30, 1977, as amended at 44 FR 23066, Apr. 18, 1979. Redesignated at 44 FR 30682, May 29, 1979]

**§ 1304.104 Little Tennessee River; date of formal submission.**

As regards structures on the Little Tennessee River, applications are deemed by TVA to be “formally submitted” within the meaning of section 26a of the Act, on that date upon which applicant has complied in good faith with all of the provisions of paragraphs (a) and (b) of §1304.103.